



Legislation Details (With Text)

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Title: Sponsors: Mayor Quinton Lucas and Councilmember Melissa Patterson-Hazley

Amending Chapter 3, Code of Ordinances of Kansas City, Missouri, Article I, City Contracting Processes, Division 2, Contract Award by amending Section 3-41, Contract authorization, and enacting a new Section 3-41 in lieu thereof to require the City Manager to provide a report to Council with all contracts that have not been executed within 90 days of the effective date of an ordinance approving the contract.

Sponsors: Quinton Lucas, Melissa Patterson Hazley

Indexes:

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Attachments: 1. Authenticated Ordinance 230652

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| 8/3/2023 | 1 | Council | Move to Consider | Pass |
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ORDINANCE NO. 230652

Sponsors: Mayor Quinton Lucas and Councilmember Melissa Patterson-Hazley

Amending Chapter 3, Code of Ordinances of Kansas City, Missouri, Article I, City Contracting Processes, Division 2, Contract Award by amending Section 3-41, Contract authorization, and enacting a new Section 3-41 in lieu thereof to require the City Manager to provide a report to Council with all contracts that have not been executed within 90 days of the effective date of an ordinance approving the contract.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 3, Code of Ordinances of the City of Kansas City, Missouri, Article I, City Contracting Processes, Division 2, Contract Award, Section 3-41, Contract authorization, is amended by enacting a new Section 3-41 in lieu thereof to require the City Manager to provide a report to Council with all contracts that have not been executed within 90 days of the effective date of an ordinance approving the contract, said section to read as follows:

Sec. 3-41. Contract authorization.

(a) Unless approval by the city council or the board of parks and recreation commissioners is specifically required by city charter, ordinance, federal or state law, contract or grant terms, the following provisions shall control:

- (1) The city manager and department directors are authorized to enter into any and all contracts and cooperative agreements on behalf of the city without city council authorization in which the term does not exceed six years or six one-year terms and the consideration does not exceed \$1,000,000.00 for a construction contract, \$50,000.00 for a sole source professional services contract, and \$400,000.00 for all other contracts.
- (2) The city manager and manager of procurement services are authorized to enter into all contracts and cooperative agreements on behalf of the city without city council authorization in which the term does not exceed six years or six one-year terms and the estimated consideration does not exceed \$1,000,000.00 for construction contracts, indefinite delivery/indefinite quantity construction contracts, contracts for goods, supplies, materials, or equipment, and \$400,000.00 for contracts for services other than a sole source professional services contract, provided however that the \$1,000,000.00 threshold shall apply to any contract or cooperative agreement in which services are to be provided in conjunction with the goods, supplies, materials of equipment being procured.
- (3) In lieu of obtaining council authorization on a sole source professional services contract between \$50,000.01 and \$400,000.00, the city manager may provide written notice of the intent to execute such an agreement or contract with the cost and term of such agreement or contract. Such notice shall include the names of the parties to the proposed contract or agreement, a description of the contract and the basic purpose and terms of the contract or agreement. No such contract or agreement shall be executed on behalf of the city without the authorization of the council if four or more council members file written objections to such contract or agreement within five working days of the notice date. The city manager shall establish procedures to ensure compliance with this provision.
- (4) No party in a single fiscal year may receive multiple contract awards related to a particular procurement pursuant to subsection 3-41(a) that in sum exceed the maximum allowable thresholds under subsection 3-41(a)(1) without prior council authorization.

(b) If city council authorization is required and obtained, the contract may subsequently be amended by change order, contract amendment or otherwise in such a manner as to increase the consideration due by up to and including ten percent without further city council authorization. This cap may be exceeded, subject to the sufficiency of appropriated funds, if authorization to such effect is included within the body of the ordinance authorizing the contract or an amendment to the contract.

(c) The city manager shall file a regular report with the city clerk of all term and supply contracts, indefinite delivery/indefinite quantity construction contracts, sole source purchase contracts, and professional service contracts awarded without an ordinance, unless a particularized reason exists for nondisclosure that shall be reported to council and any waivers of MBE/WBE goals. Such reports shall be published on the world wide web.

(d) Ordinances, except emergency ordinances, required by this section and introduced from the legislative floor and that authorize a contract that exceeds \$100,000.00, shall be referred to the appropriate committee for a public hearing unless a motion is made by a councilmember to dispense with the requirement of reading the ordinance on three separate days, and the motion is adopted upon the affirmative vote of nine councilmembers.

(e) *Boards, commissions, and task force.*

(1) Except as otherwise provided by law, all city boards, commissions, and task forces that are not

incorporated as legal entities shall follow the procurement processes set forth in chapter 3 of the Code of Ordinances and the adherence to the procurement process by the board, commission, or task force shall be a pre-condition to execute a contract or for city council authorization of any contract recommended by, or entered into for the benefit of, any city board, commission, or task force.

- (2) Nothing in this section authorizes a board, commission, or to task force to issue a solicitation or execute a contract unless the board, commission, or task force has legal authority to perform such act.
- (3) Unless contractually required, this section is not applicable to separate statutory entities or agencies with their own capacity to sue and be sued.

(f) The city manager or the city manager's designee shall use best efforts to effectuate contractual terms authorized by council within 90 days, unless material impediments exist to delay contractual assent. The city manager or city manager's designee shall notify council via docketed communication that such impediment exists and briefly describe such impediment.

Approved as to form:

Nelson V. Munoz
Deputy City Attorney